IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 946 of 1979

Atithi Estate & Investment Corpn. .. Plaintiff

versus

Salsette Co-operative Housing

Society Ltd. & ors. .. Defendants

...

Mr.K.H. Modi i/b L.C. Tolat & Co. for the plaintiff.

Mr.Clive D'Souza for the defendant no.6.

CORAM : D.G. KARNIK,J.

DATED : 17th June 2005.

P.C.:

1. Learned Advocate for the plaintiff states that the plaintiff does not wish to proceed with the suit against defendant nos.1 to 5. Suit against defendant nos.1 to 5 is therefore dismissed for non prosecution.

2. Learned Advocates for the plaintiff and

defendant no.6 hand in consent terms. Consent terms are signed by Shri Atithi Patel, Partner of the plaintiff, Mr.Felix D'Souza, Secretary of defendant no.6, Mr.Darryl D'Mello, treasurer of defendant no.6 and Mr.Luke Gomes, Chairman of defendant no.6. All the signatories are personally present in the Court and are identified by their respective Advocates. They admit the consent terms. Consent terms are also signed by learned Advocates for the plaintiff and defendant no.6 who also admit their signatures and consent terms.

3. There shall be order in terms of consent terms.

4. It is however clarified that this order would not bind the original defendant nos.1 to 5 against whom the suit stands dismissed.

D.G. KARNIK, J